

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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RAVI S. RAMANATHAN, as trustee of
the RAMANATHAN FAMILY TRUST,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL
COMPANY AS TRUSTEE UNDER THE
POOLING AND SERVICING
AGREEMENT DATED AS OF APRIL 1,
2004, SECURITIZATION ASSET BACKED
RECEIVABLES LLC TRUST 2004-NC-1
WITHOUT RECOURSE; THE BANK OF
NEW YORK MELLON AS TRUSTEE FOR
CWABS, INC. ASSET BACKED
CERTIFICATES, SERIES 2005-4; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

THE BANK OF NEW YORK MELLON
AS TRUSTEE FOR CWABS, INC.
ASSET BACKED CERTIFICATES,
SERIES 2005-4,

Counterclaimant,

v.

RAVI S. RAMANATHAN, as trustee of
the RAMANATHAN FAMILY TRUST,

Counterdefendant.

Case No. 2:19-cv-02009-APG-EJY

ORDER

Before the Court is Defendant Bank of New York Mellon (“BNY”) as Trustee for CWABS, Inc. Asset Backed Certificates, Series 2005-4 Motion for Leave to File Amended Answer to Complaint and Counterclaim (“BNY’s Motion”). ECF No. 19. No response to BNY’s Motion was filed.

BNY explains that “[a]s the parties litigate the underlying issues regarding the Deed of Trust, such litigation will continue to delay the ultimate resolution of the default.” *Id.* at 2. BNY further

1 contends that adding the counterclaim for judicial foreclosure at this time will be efficient because
2 it will allow all issues pertaining to BNY's Deed of Trust to be decided in one rather than multiple
3 lawsuits. *Id.* at 4. BNY establishes that the request is timely under the scheduling order governing
4 this matter, there is no evidence of bad faith or dilatory motive, and that allowing amendment will
5 "ensure this case may be fully evaluated on its merits." *Id.* (citation omitted).

6 Rule 15(a)(2) of the Federal Rules of Civil Procedure directs courts to freely grant motions
7 to amend "when justice so requires." Ordinarily, the Court must consider whether the party moving
8 to amend has engaged in "undue delay, bad faith or [presents a] dilatory motive" *Branch*
9 *Banking and Trust Comp. v. Sossaman & Gaudalupe Plaza, LLC*, Case No. 2:12-cv-01775-GMN-
10 PAL, 2013 WL 5774130, at *2 (D. Nev. Oct. 24, 2013) (citation omitted). Here, of course, there is
11 no opposition to BNY's Motion, and the Court finds no evidence of any fact that militates against
12 granting the Motion.

13 Accordingly, IT IS HEREBY ORDERED that Defendant Bank of New York Mellon as
14 Trustee for CWABS, Inc. Asset Backed Certificates, Series 2005-4 Motion for Leave to File
15 Amended Answer to Complaint and Counterclaim, ECF No. 19, is GRANTED.

16 IT IS FURTHER ORDERED that the Clerk of Court shall separate Exhibit 1 from ECF No.
17 19 (ECF No. 19-1) and file the same.

18 IT IS FURTHER ORDERED that Plaintiff shall have ten (10) days to file his responsive
19 pleading to the Amended Answer to Complaint and Counterclaim.

20 Dated this 11th day of May, 2020

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24 ELAYNA J. YOUCHAK
25 UNITED STATES MAGISTRATE JUDGE
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